

## ***SAMPLE DENIAL LETTER***

January 5, 2014

Connie Have, Esquire  
1000 Lawyer Building  
Baltimore, Maryland 21200

Dear Ms. Have:

I have received your letter dated December 23, 2013, in which you request certain records under the Public Information Act, Annotated Code of Maryland, General Provisions Article ("GP"), § 4-101 *et seq.*, on behalf of your client, Wanda Know. In particular, you seek to inspect and copy all records in my custody and control pertaining to the following:

- (A) the denial by the Commission of the license or permit to Wanda Know which occurred on December 1, 2013, and
- (B) any studies, statistics, reports, recommendations, or other records that treat in any fashion the Commission's actions, practices, or procedures concerning the granting or denial of licenses or permits during the last three fiscal years.

My staff has collected those records in our custody that are responsive to your request. You may inspect all of the records we have compiled with two exceptions.

First, a confidential legal memorandum prepared by an Assistant Attorney General for the Commission's Chairman is subject to the attorney-client privilege and is therefore protected from disclosure by GP § 4-301 as a privileged or confidential

record. It also constitutes an intra-agency memorandum under GP § 4-344 and I find that its disclosure would be contrary to the public interest.

Second, I am also denying access to a portion of an investigatory file of this agency concerning your client. This file was compiled as part of a law enforcement investigation of this agency and is therefore covered by GP § 4-351. While your client is a person in interest as to these records, complete disclosure of the file would be contrary to the public interest since inspection would disclose the identity of a confidential source and would also disclose investigative techniques and procedures of the Commission. Apart from that portion, you may inspect the balance of the investigatory file on your client.

Pursuant to GP § 4-361, your client is entitled to an administrative review of a decision to deny access. If requested, such review will be conducted in accordance with GP § 4-361(b) and the hearing regulations of the agency published at COMAR 00.00.01. Your client may also seek judicial review under GP § 4-362.

If you wish to inspect the records that are available to your client under the Act, please call my administrative assistant, Madge Public, to arrange for a mutually convenient time. You may also obtain copies of those records. This agency charges a fee of \$.25 per page for copies.

Sincerely,

Freeman Information  
Executive Director

cc: Evan Hand  
Assistant Attorney General